

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

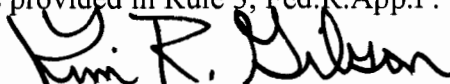
EDWARD BROWN)	
aka)	
EDWARD GEE,)	
Plaintiff)	
)	
vs.)	Civil Action No. 04-30J
)	Judge Kim R. Gibson/
J.G. MRAVINTZ, Correctional Officer;)	Magistrate Judge Amy Reynolds Hay
Sergeant; T.W. PRITTS, Correctional)	
Officer,)	
Defendants)	

ORDER

AND NOW, this 14th day of December, 2006, after the Plaintiff, Edward Brown, filed an action in the above-captioned case, and after defendants filed a motion for summary judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment is granted in part and denied in part. It is granted as to Plaintiff's claims as to all of the Defendants except as to Defendant Mravintz and Defendant Pritts. As to Defendant Mravintz, the motion is denied with respect to Plaintiff's excessive force claim. As to Defendant Pritts, the motion is denied as to Plaintiff's excessive force claim and his retaliation claim.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Edward Brown, DU-6605
DU-6605
SCI Frackville
1111 Altamont Boulevard
Frackville, PA 17931

Craig E. Maravich
Office of the Attorney General
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219